

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs. Rc.No.C3/2596/2019-11, dated 31.01.2020 - Appeal filed by Chawan Sneha D/o Kishore R/o Tadihathnoor village of Narnoor Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 45

**Dated: 29-12-2020
Read the following:-**

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs. Rc.No.C3/2596/2019-11, dated 31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Chawan Sneha D/o Kishore R/o Tadihathnoor village of Narnoor Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.304/TW.LTR/2020, dated 05.06.2020
5. Lr.Rc.No.D5/309/2018, dated:30.07.2020 of the PO, ITDA, Uttoor, Adilabad District.
6. Notice No.304/TW.LTR/2020, dt. 28.08.2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing Rc.No.B/99/2018, dt.04.07.2018 issued by the Tahsildar Narnoor Mandal to Chawan Sneha D/o Kishore R/o Tadihathnoor village of Narnoor Mandal of Adilabad District, basing on the following findings of the Scrutiny Committee:

- Appellant appeared before the Committee on 16.11.2019 and submitted following documents:
 - Copy of Birth Register for the year 1949.
 - Copy of Voter list for the year 1959 of Polling Station Thadihathnoor of Asifabad Constituency at Sl.No.117 to 118 the names Sri Savairam S/o Mersingh and his wife Smt.Soni Bai W/o Savairam were recorded.
 - Copy of Voter list for the year 1965 of Tadihathnoor of Asifabad Constituency at Sl.No.60 and 61 names of Sri Savairam S/o Mersingh was recorded and 1971, 1977 also produced. On verification of above record, there is no evidence to prove her continuous residence in Agency Area since 1950 as per GO Ms.No.24, TW (LTR.1) Department.

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- Scrutiny Committee had concluded that on verification of above documentary evidences, her continuous stay was not established in Agency Area since 1950 as per GO Ms.No.24, TW (LTR.1) Department.
- A show cause notice was issued to Kum Chawan Sneha D/o Kishore to submit explanation within (7) days along with material evidence in support of her claim, failing which further action will be taken as per material available on record, but the applicant failed to submit explanation within the stipulated time.
- A notice was to Chawan Sneha D/o Kishore to attend before the Dist. Collector, Adilabad on 30.01.2020 to prove her claim as local ST with relevant material/documents.
- Accordingly, Chawan Sneha D/o Kishore had attended before the Dist. Collector, Adilabad on 30.01.2020 and submitted a detailed written reply pertaining to 1949 Birth Register of Tadihathnoor village.
- On verification of original document i.e. birth register of Tadihathnoor village and photography produced by the applicant, name of Sri Shesh Rao S/o Savairam is found written in Still Birth format & seems tampered & forged. Thus, she failed to prove her continuous residence in Agency Area prior to 1950.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Chawan Sneha D/o Kishore R/o Tadihathnoor village of Narnoor Mandal of Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, TW (LTR.1) Department, praying to set aside orders of the Dist. Collector, Adilabad. Chawan Sneha D/o Kishore submitted the documents along with the Appeal and also during hearing on 5.9.2020 are as follows:

- As per Family Tree mentioned in the Affidavit duly Notarized on 26.10.2019 by T.Kishore Kumar, Notary & Advocate, Adilabad:
 - Chawan Savairam S/o Mersingh is grandfather of appellant. He has 2 sons and 3 daughters viz., 1) Shesharao (eldest son) 2) Kishore (2nd son) 3) Shanta Bai (eldest daughter) 4) Sevantha Bai (2nd daughter) and 5) Leela Bai (3rd and last daughter)
 - Chawan Kishore is father of appellant. He has 2 sons and 3 daughters viz., 1) Avikiran (elder son) 2) Saikiran (younger son) 3) Praveena (eldest daughter) 4) Jyoshna (2nd daughter) and 5) Sneha (3rd and last daughter and appellant herein).
- Affidavit duly Notarized by Sri Rathod Madhukar S/o Pandu, aged 70 years, occ: Agriculture and Sarpanch of the village: Tadihathnoor – he stated that Chawan Sneha is the resident of Tadihathnoor village and local ST. Her grandfather Savairam was also the resident of Tadihathnoor village who used to work in their agriculture field in Sy.No.38/17 of Tadihathnoor Shivar. Chawan Savairam lived in the house of his father along with his wife Chawan Soni Bai from 1945 to 1953. He further affirmed that Chawan Sneha and her father are the permanent residents of Tadihathnoor village.

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- Pahani of 1981-82 – Tadihatnoor village – Utnoor Taluq – Sawairam S/o Mersingh i.e. grandfather of appellant was in cultivation in Sy.No.38/215 for an extent of Acs.7.00.
- Pahani of 1984-85 – Tadihatnoor village – Utnoor Taluq – Sesharao S/o Sawairam (i.e. elder brother of father of appellant) was recorded pattedar for Sy.No.38/215 for an extent of Acs.7.00.
- Pahani of 1989-90 – Tadihatnoor village – Narnoor Mandal – shows name of Sesharao S/o Sawairam (i.e. elder brother of father of appellant) in Sy.No.38/215 for an extent of Acs.7.00.
- Pahani of 1995-96 – Tadihatnoor village – Narnoor Mandal – shows name of Sesharao S/o Sawairam (i.e. elder brother of father of appellant) in Sy.No.38/215 for an extent of Acs.7.00.
- Pahani of 2002-2003 – Tadihatnoor village – Narnoor Mandal – shows name of Sesharao S/o Sawairam (i.e. elder brother of father of appellant) in Sy.No.38/215 for an extent of acs.7.00.
- Pahani of 2009-2010 – Tadihatnoor village – Narnoor Mandal – shows name of Sesharao S/o Sawairam (i.e. elder brother of father of appellant) in Sy.No.38/215 for an extent of Acs.7.00.
- Pahani of 2011-12 – Tadihatnoor village – Narnoor Mandal – shows name of Sesharao S/o Sawairam (i.e. elder brother of father of appellant) in Sy.No.38/215 for an extent of Acs.7.00
- Pahani of 2015-16 – Tadihatnoor village – Narnoor Mandal – shows name of Sesharao S/o Sawairam (i.e. elder brother of father of appellant) in Sy.No.38/215 for an extent of ac.1.00; Sy.No.38/215/A for an extent of acs.2.00 in the name of his son Chawan Vijaykumar; Sy.No.38/215/A/2 for an extent of acs.2.00 in the name of another son Chawan Sanjay Kumar (both sons of Sesharao S/o Sawairam).
- Voter list for the year 1959 – Asifabad Constituency - Electoral area No.258 - village: Tadihatnoor – Revenue Firka/Circle: Utnoor – Taluq: Utnoor – Dist. Adilabad – show names of 1) Sawairam S/o Merusingh (grandfather of appellant) and 2) Sonibai W/o Sawairam (grandmother of appellant) at Sl.Nos.117 and 118 under H.No.7/8.
- Voter list for the year 1965 – village: Tadihatnoor – Revenue Firka/Circle: Utnoor – Taluq: Utnoor – Dist. Adilabad – show names of 1) Sawairam S/o Merusingh (grandfather of appellant) and 2) Sonibai W/o Sawairam (grandmother of appellant) at Sl.Nos.60 and 61.
- Voter list for the year 1971 – village: Tadihatnoor – show names of 1) Sawairam S/o Merusingh (grandfather of appellant), 2) Sonibai W/o Sawairam (grandmother of appellant), 3) Sesharao S/o Sawairam(elder brother of father of appellant) and 4) Sugunabai W/o Sesharao (paternal aunt of appellant) from Sl.Nos.140 to 143.

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- Voter list for the year 1977 – 243 Khanapur Assembly Constituency – Part No.87 - show names of 1) Sawairam S/o Merusingh (grandfather of appellant), 2) Sonibai W/o Sawairam (grandmother of appellant), 3) Sesharao S/o Sawairam (elder brother of father of appellant) and 4) Sugunabai W/o Sawairam (paternal aunt of appellant) from Sl.Nos.636 to 639.
- Voter list for the year 1995 – 243 Khanapur ST Assembly Constituency – Polling Station No.26 – village: Tadihathnoor – Mandal: Narnoor – Dist. Adilabad – show names of 1) Chawan Sesharao S/o Sawairam (elder brother of father of appellant) 2) Chawan Sugunabai W/o Seshuram (paternal aunt of appellant) 3) Chawan Vijay Kumar S/o Sesharao (son of elder paternal uncle of appellant) 4) Chawan Ranjana D/o Sesharao (daughter of elder paternal uncle of appellant) 5) Chawan Sonibai W/o Sawairam (grandmother of appellant) from Sl.Nos.96 to 100 under H.No.1-29 & 6) Chawan Kishore S/o Sawairam (father of appellant) and Chawan Renuka W/o Kishore (mother of appellant) at Sl.Nos.101 and 102 under H.No.1-29/A.
- Voter list for the year 2014 – 5 Asifabad Assembly Constituency – village: Tadihathnoor – show names of 1) Chawan Sesharao S/o Sawairam (elder brother of father of appellant) at Sl.No.110, 2) Chawan Kishore S/o Sawairam (father of appellant) at Sl.No.111, 3) Chawan Renuka W/o Kishore (mother of appellant) at Sl.No.112 and 4) Chawan Sonibai W/o Sawairam (grandmother of appellant) at Sl.No.105 under H.No.1-29 and H.No.1-29/A respectively.
- Copy of Bonafide Certificate issued by HM ZPSS Utnoor vide Admn.No.205 dated 27.6.1960 of Chawan Sesha Rao S/o Savai ram – who studied from 4th to 6th classes from 27.6.1960 to 20.04.1964. His date of birth was recorded as 01.01.1950.
- Copy of Admission Register maintained from 1.4.1955 to 22.4.1970 of ZPSS, Utnoor – Admn.No.205 shows name of Sesha rao S/o Savai Ram - admitted in 4th class – DoB is 1.1.1950.
- Cash Sale Receipt No.250562, dt.14.6.1954 – Station: Tadihathnoor – Rs.50 received from Sawairam S/o Merusingh (grandfather of appellant)
- Cash Sale Receipt No.427432, dt.28.11.1971 – O/o Forester, Tadihathnoor – for Rs.64/- received towards “C” fee in File No.36/C/64, PCR No.23/20, dt.11.5.1964 from Sri Sawai Ram S/o Merusingh (grandfather of appellant).
- Cash Sale Receipt No.150574, dt.16.11.1977 – O/o FRO, Nirmal – Rs.800/- collected from Mr. Sheshrao S/o Sawairam (elder brother of father of appellant) in PCR No.261/11 for planks and sizes.
- Copy of Agency Area Local ST Certificate issued as per GO Ms.No.24, dt.12.06.2018 by Tahsildar, Narnoor vide Rc.No.B/99/2018, dt.04.07.2018 to Kumari Chawan Sneha Daughter of Chawan Kishore belongs to ST (Lambadis) certifying
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that she is local ST and that her parents/grandparents have been continuously residing at Tadihathnoor village since 26.1.1950 which is a notified scheduled village.

- Resolution of Sarpanch of GP Tadihathnoor and MPTC of GP Tadihathnoor, Narnoor Mandal – wherein it was stated that Chawan Sawairam S/o Merusingh has two sons viz., 1) Chawan Sesharao and 2) Chawan Kishore (father of appellant) and 3 daughters viz., 1) Santhabai 2) Semathabai and 3) Leelabai. They all born in Tadihathnoor village. Sri Sawairam S/o Merusingh lived in Thadihathnoor village from the year 1945.

4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

6. Vide reference 6th read above, a Notice was sent to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 and submitted documents in support of her claim that they have been residing in the Agency Area since 26.1.1950.

7. Through the documents produced by the appellant Kumari Chawan Sneha D/o Kishore, it is evident that the appellant and her grandfather have been continuously residing in the agency village i.e. Tadihathnoor or Tadihathnoor in Narnoor Mandal of Adilabad District since 26.1.1950 as required under GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018.

8. Government after careful examination of the documents available on record sent by the the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant and her grandfather have been continuously residing in the agency village i.e. Tadihathnoor in Narnoor Mandal of Adilabad District since 26.1.1950 treating her as a local ST of agency village of Thadihathnoor, Narnoor Mandal of Adilabad District from 26.1.1950 and the LSTAC bearing Rc.No.B/99/2018, dt.04.07.2018 issued by Tahsildar, Narnoor Mandal, is treated as valid.

9. Accordingly, Government hereby set aside the orders of the Collector & District Magistrate, Adilabad District in Procs.No. C3/2596/2019-11,

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dt. 31.01.2020 and allow the Appeal filed by the appellant Chawan Sneha D/o Kishore R/o.Thadihathnoor village of Narnoor Mandal of Adilabad District.

10. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Chawan Sneha D/o Kishore R/o.Thadihathnoor village of Narnoor Mandal of Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad
(for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad
(for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER